



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2202556

Applicant Name: Gary Phillips

Address of Proposal: 2235 1st Avenue North.

SUMMARY OF PROPOSED ACTION

Master Use Permit to change the use of an existing 3,144* sq. ft. building from food processing for human consumption to administrative office. Two off site parking spaces located at 2100 Queen Anne Avenue North are proposed to accommodate the parking required for the administrative office use.

*This project was originally noticed as the building having a total of 2400 sq. ft.

The following approval is required:

Administrative Conditional Use - to allow conversion of one nonconforming use (food processing for human consumption) to another (administrative office) in a Single Family 5000 zone (SF5000).
- (SMC 23.42.110)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition,
or involving another agency with jurisdiction.

BACKGROUND

The subject parcel is zoned Single Family 5000. The site is a 5400 sq. ft. parcel located on the southwest side of McGraw and 1st Avenue North. The site currently contains this one plus story commercial structure on the western portion of the lot and a single family residence to the east. There is currently no parking on site for this building.

Proposal

The proposal is to change the use of the existing 3,144 sq. ft. structure (addressed on the site as 15 McGraw Street) from food processing for human consumption to administrative office. No other site improvements are proposed.

There will be no change to the existing single family residence on the site.

Business Operation

The administrative office use consists of a T-shirt design company (Pigpen Designs) and a software design company (Dave Roscoe Custom Manufacturing). The total number of employees for these operations will be four. The office will operate during normal business hours Monday through Friday. Both businesses operate primarily by email, fax and phone with very limited client visitation. Deliveries are generally made by UPS once or twice per month.

Background information

Zoning for the City of Seattle was first established in 1923. This particular site was zoned “First Residence District, area District A” a single family residential zoning. This type of residential zoning has been continual up to the present; Residential Single Family 5000 (RS 5000) from 1957 to 1986 and Single Family 5000 (SF5000) from 1986 to the present.

The permit history shows the building was built in 1908. A permit for an addition and to convert the use to bakery was obtained in 1920, prior to zoning regulations. The building has been used for other commercial uses over the years although permits were not obtained for these uses. The applicant shows the history as follows:

1920 to 1950	Queen Anne Bakery
1950-1979	Floyd Peterson Fish Company
1979-2000	Venis Upholstery/Daniels Upholstery
2000-Present	Pigpen Design/Dave Roscoe Custom Manufacturing/Venis Upholstery/Daniels Upholstery

Nonconforming Status

Nonconforming uses are defined in the Seattle Land Use Code as “a use of land or a structure that was lawful when established and that does not now conform to the use regulations of the

zone in which it is located.....” Section 23.42.104, Seattle Municipal Code (SMC) states that “a nonconforming use that has been discontinued for more than twelve (12) consecutive months shall not be reestablished or recommenced.” *Per the applicant the previous business (Venis Upholstery/Daniels Upholstery) was in operation and shared space with the current occupants for several months after they first occupied the space in April of 2000. It is not clear historically what category the previous uses would have been considered as there is not a consistent amount of information showing how business was conducted. It is presumed that the current use would create fewer impacts than the previous uses as these uses appear to be more retail-type businesses. With the submittal of the application (dated July 2002) to change from one nonconforming use to another (the subject of this review), the use shall not be considered discontinued even if the structure is vacant for twelve consecutive months prior to rendering of a decision on this application.

Public Comments

The original comment period ended July 24, 2002 and was extended by request until August 7, 2002. DCLU received approximately 11 public comment letters during that time period. The respondents were mostly concerned with parking, traffic, trash, noise and behaviors of employees and delivery of merchandise associated with the use. Because the site contains both a single family residence and the commercial structure and the DCLU notice was noticed under the house address (for DCLU purposes, there is only one address assigned per site so the commercial structure did not have a separate address) some of the respondents were under the impression that the business was going to be located within the single family residence. There was also some question as to whether this use would qualify as an administrative office use. Administrative offices are defined in the Seattle Land Use code as “an office use in which services are provided to customers primarily by phone or mail, by going to the customer’s home or place of business, or on the premises by appointment.” It should be noted that the scope of the administrative office use is set forth in the proposal section above and if the scope were to change over what was originally proposed, then a new Administrative Conditional Use approval may be required.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

Standards for converting from one nonconforming use to another are found in section 23.42.110 SMC. Specific criteria applicable to this application can be found in Subsection B - the proposed new use must be no more detrimental to properties in the zone or vicinity than the existing use. This determination shall be based on the following factors:

1. *The zones in which both the existing use and the proposed new use are allowed;*

Administrative offices and food processing for human consumption are both permitted in all commercial zones (from residential zones with a Residential Commercial designation to Commercial 2). They are both permitted in all Industrial zones as well as downtown. The uses are not regulated differently in any of these zones except for parking which will be discussed

below therefore, it seems reasonable to assume that the change of use should be approved based on a comparison of the zones in which both uses are allowed.

2. *The number of employees and clients associated or expected with the proposed use;*

The applicant has stated that the maximum number of employees associated with this office use will be four. There will be no customers coming to the site as the business is operated primarily by email, phone and fax. One or two deliveries per month will be made to the site. The previous permitted use of food processing for human consumption (bakery) was discontinued (per the applicant's information) in 1950. The Floyd Peterson Fish Company was in operation from 1950 to 1979 when the Venis Upholstery/Daniels Upholstery occupied the space. It is not clear how these businesses operated, with the exception of Venis Upholstery/Daniels Upholstery, or how many employees were present during their tenancy. The assumption is that there were greater impacts from the previous uses as they would have presumably had more customers and deliveries than the current use of administrative office. The Venis Upholstery/Daniels Upholstery was operated by one individual. This operation was a retail oriented business in which customers would drop off furniture to have it recovered or repaired and then pick it up a few days to a few weeks later.

3. *The relative parking, traffic, light, glare, noise, odor and similar impacts of the two uses and how these impacts could be mitigated.*

Parking

Section 23.54.015 of Seattle Land Use and Zoning Code sets forth the base parking requirement for both administrative office and food processing for human consumption as 1 space per 1000 sq. ft of gross floor area. The Land Use and Zoning Code allows for a parking exemption for the first 2,500 sq. ft. for most commercial uses. This exemption, however, is not available for administrative office uses. There is currently a deficit of one parking space for the food processing use as there is no parking available on site for the structure. Parking in the immediate vicinity appears to be very limited and would possibly be further impacted by employee parking for this proposal. To meet the code requirement, the applicant will provide 2 parking spaces off site at 2100 Queen Anne Avenue North (this number includes the existing deficit) which would be within the requirements of an administrative office in other zones. The Land Use and Zoning Code allows existing parking deficits for established uses to be continued when determining the required number of parking spaces for the new use (section 23.54.015C).

Traffic

It is anticipated that deliveries by UPS will occur approximately twice a month. These trucks currently park in the alley or on the street in front of the site. The applicant has stated there is a parking lot located across the street and kitty corner from this site *(the zoning of the site is Neighborhood Commercial 2 with a 40' height limit (NC2-40)) that can be used for deliveries although there has not been a formal agreement secured with the owner of this property. With deliveries occurring twice a month at midday, the alley and street should be sufficient locations for the small deliveries received by these businesses.

Based on the ITE Trip Generation Manual, 6th Addition, a general office with 4 employees would trigger 13.3 vehicle trips per day on average with two trips occurring in the a.m. peak hours and two occurring during the peak p.m. hours. This data includes trips by visitors, vendors, cleaning crews, etc. which would likely occur during off peak hours. The Trip Generation Manual does not have data for a food processing use however; a comparative analysis can be made by comparing the operation of the two uses. A food processing use with the same number of employees would actually generate more traffic associated with deliveries to and from the site. The same would be true for the non-permitted uses that occurred on the site after the Bakery. The estimated number of vehicle trips associated with deliveries would be negligible with approximately two a month. Most of the deliveries and pickups will occur midday between 10 a.m. and 2:00 p.m. therefore, not increasing impact during the peak hours for vehicle trips. There does not appear to be any overwhelming evidence that the traffic will increase with this change of use.

Lighting/Glare

There will be no change or addition to the exterior lighting of the building. Therefore, no additional impacts due to lighting are anticipated beyond that which may already be in existence on the site.

Noise

Noise from delivery trucks, employees coming and going and other similar noises should not create impacts and do not warrant further mitigation.

Odor

Because of the nature of the use there should be no odor associated with the operation of the use. There will be one 35 gallon size garbage can and one residential size recycling bin that will be located in the front of the building. This garbage will be regularly picked up (once a week) by the local garbage service contractor in the area. A condition will be added to this document to require that all garbage be placed in receptacles and that the receptacles shall be kept from overflowing and allowing garbage to accumulate on the ground.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The request to change the use of the existing administrative office use to food processing for human consumptions is **CONDITIONALLY GRANTED.**

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE PERMIT

For the Life of the Project

1. Hours of operation shall be limited to 8:00 a.m. to 6:00 p.m. Monday through Friday.
2. All garbage and recycling materials must be contained in receptacles and emptied weekly to prevent overflow.
3. Business cards and/or signage associated with the business will include language "business by appointment only".
4. The operation of the business including but not limited to the parking of employees, visitors, customers, deliveries or other vehicles shall not block the sidewalk to pedestrian passage.
5. The operation of the business or associated deliveries shall not block traffic along McGraw Street.

Signature: (signature on file) Date: May 15, 2003
Lori Swallow, Land Use Planner
Department of Design, Construction and Land Use
Land Use Division

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